IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

W.A.No.37 of 2007

AGAINST THE ORDER IN W.P.(C).NO.618/2007 DATED 04/01/2007
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APPELLANTS: RESPONDENTS:-
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1. THE INSPECTOR OF POLICE,
   CENTRAL BUREAU OF INVESTIGATION, COCHIN-17.

2. THE SUPERINTENDENT OF POLICE,
   CENTRAL BUREAU OF INVESTIGATION, COCHIN-17.

BY STANDING COUNSEL SRI.S.SREEKUMAR.

RESPONDENT: PETITIONER:-

K.K.JOSEPH, S/O.KURIAN,
HOUSE NO.32/570, J.M.K.BUILDING,
HOLY ANGELS ROAD, SOUTH KALAMASSERY,
ERNAKULAM.

BY ADVOCATE SRI.BABU JOSEPH KURUVATHAZHA.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

V.K.Bali,C.J. & M.Ramachandran,J.

W.A.No.37 of 2007

Dated, this the 5th day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

The challenge in the present Writ Appeal is to the order dated 4.1.2007 passed by the learned Single Judge in W.P.(C).No.618 of 2007. The short order passed by the learned Single Judge reads thus:

> "Petitioner has got a job in United Nation and by delaying the matter he will lose his job. There will be a interim direction to CBI to complete the questioning of petitioner by the end of this week. Petitioner will produce copy of this order and appear before CBI for completing his questioning. Release of petitioner's passport will be considered subject to the terms. CBI will furnish instruction on 8.1.07. Post on Monday".

2. It is quite clearly made out from the petition and in particular Exhibit P4 that the petitioner in the original lis has got an appointment in United Nation as Inspector (Chemical

Production Technologist) within the Inspectorate Division of the Organisation for the Prohibition of Chemical Weapons. The appointment is effective from 5th January, 2007. While the petitioner was to join his duties in the new assignment offered to him, which he has already accepted, the C.B.I. would like to question him with regard to a F.I.R., Annexure-I produced along with the Writ Appeal. The said F.I.R. is registered against the petitioner under Sections 120B and 420 of Indian Penal Code and Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988. The allegations as made out in the F.I.R. are of irregular procedure by the petitioner and others in the matter of acceptance of a tender. The F.I.R. was registered against the petitioner on 20.11.2006 pertaining to an incident on 4.2.2005. The F.I.R. with regard to the irregularities committed by the petitioner was, thus, registered after the lapse of an year and half. In the facts of the case as mentioned above, the learned Single Judge seems to have passed a just and equitable order. That apart, the C.B.I. is investigating the case and if further questioning of the petitioner may be required or, in other words, if the time granted by the learned Single Judge to the

C.B.I. to question the petitioner is not enough or sufficient, there is no embargo on the power of the C.B.I. to go to the witness at the place of present posting for questioning there. No merits. Dismissed.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-